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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,203	07/24/2001	Clark A. Carty	72255/10436	2337

23380 7590 11/23/2005

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EXAMINER

TIEU, BENNY QUOC

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/911,203

Applicant(s)

CARTY, CLARK A.

Examiner

Benny Q. Tieu

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-8, 10, 11, 15, 16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Chavez, Jr. et al. (U.S. Patent No. 5,914,668).

Regarding claim 1, Chavez, Jr. et al. disclose a handheld mobile wireless monitoring apparatus (106) comprising :

a radio wireless receiver (201, 706) for receiving a wireless signal across at least one wireless channel; (Figs. 2 & 7; column 5, lines 27-29)

a user interface (202, 204, 716, 705) for enabling a user to observe and select a predetermined parameter of the wireless signal to be evaluated; (Figs. 2 & 7; column 3, lines 30-49; column 5, lines 27-37)

a processor circuit (701, 702) for evaluating the wireless signal responsive to the user interface to observe the predetermined parameter; (Figs. 2 & 7; column 5, lines 37-40; column 5, lines 56-59)

an enclosure, dimensioned to be handheld by the user, for retaining the radio receiver, the processing circuit and the user interface. (Figs. 2 & 7)

Regarding claim 3, see Fig. 7, 701.

Regarding claim 4, see Fig. 6, 202; column 5, lines 37-40.

Regarding claim 5, Chavez, Jr. et al. further teach that the user interface comprising a keypad (204,705) for selecting the predetermined parameter of the wireless signal to be observed. (column 5, line 37)

Regarding claim 6, see column 5, lines 43-46.

Regarding claim 7, the limitations of the claim are rejected for the same reasons as set forth in the rejection of claim 1 above.

Regarding claim 8, see Fig. 3.

Regarding claim 10, see column 5, lines 43-46.

Regarding claim 11, Chavez, Jr. et al. further teach wherein the predetermined parameter of the wireless signal to be evaluated is signal strength.

Regarding claim 15, the limitations of the claim are rejected for the same reasons as set forth in the rejection of claim 1 above.

Regarding claim 16, see Fig. 6, 202.

Regarding claim 18, see Fig. 6, 606.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 2, 9, 12-14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chavez, Jr. et al.

Regarding claims 2, 9 and 17, Official Notice is taken that both the concept and the advantages of using an IEEE 802.11 protocol for wireless signals are well known and expected in the art. It would have been obvious to have included the IEEE 802.11 protocol in Chavez, Jr. et al. as this protocol is known to transmit or receive wireless signals and the advantage is that IEEE 802.11 standard is the ability to use freely-available, unlicensed spectrum, including the Industrial, Scientific, and Medical (ISM) band.

Regarding claims 12-14, Official Notice is taken that both the concept and the advantages of using WEP key for wireless signal are well known and expected in the art. It would have been obvious to have included the WEP key in Chavez, Jr. et al. as the WEP key is known to secure the network and prohibit unauthorized users thereby ease the traffic on the network.

Conclusion

5. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7490, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

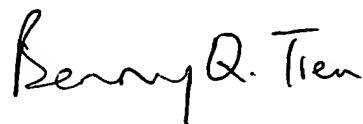
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Randolph Building
401 Dulany Street
Alexandria, VA 22314

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is (571) 272-7490. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



BENNY TIEU
PRIMARY EXAMINER

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November 21, 2005